

Before The
FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C.

In the matter of:)	MB Docket 02-160
Amendment of §73.202 of the)	RM-10472
Commission's Rules - Table of)	(Baker, NV)
Allotments for FM Broadcast Stations)	

COMMENTS OF REC NETWORKS

1. REC Networks ("REC") is a supporter of locally owned and diverse radio. REC currently operates several Internet only streams including Anime Hardcore Radio 1, Anime Hardcore Radio 2 and Hardcore J. These stations feature primarily Japanese language music programming targeted to an English speaking audience. REC also operates several websites including the original LPFM Channel Search Tool. REC Networks also represents the interests of independently owned Low Power FM ("LPFM") broadcast stations and their listeners. Since the above captioned proceeding will have an impact on the future of local radio in REC's area of interest¹, REC will review the proposal and provide the results of our research. REC has no plans to apply for the channel.

2. Baker is not listed in the US Census however the Baker subdivision is listed in the 1990 Census with 337 persons. Baker is in White Pine County, whose county seat is in Ely. Baker has it's own volunteer fire department. Baker is served by the White Pine Sheriff Department, whom has a single deputy (Jim Lund), the Sheriff's department further states that Mr. Lund is a *part time* employee of the department². All other Sheriff's services are provided from Ely. Baker has a chamber of commerce. Baker receives telephone service from Nevada Bell, whom has a central office in the community (775-234). The Nevada Bell "Smartpages.com" website only shows 3 businesses located in Baker with the word "Baker" in their name³. Community organizations appear to be associated with the nearby Great Basin National Park.

1 - REC's "Area of Interest" includes the entire states of Nevada and Arizona as well as the Southern California counties of Los Angeles, Kern, Ventura, San Bernardino, Inyo, Riverside, Orange, San Diego and Imperial.

2 - See "Allotment Evaluation" (Attachment A), a worksheet that REC uses to evaluate petitions for allotments. The Allotment Evaluation will also identify the sources used in these comments.

3 - REC has found that the number of listings in a community that contain the community name can be used to gauge the amount of commerce in a particular community. (See *Winona & Mountaineer, AZ Comments of REC Networks* MM Dockets 99-202 and 99-211).

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3. The Petitioner has incorrectly stated that Baker has it's own school district. REC research has uncovered that even though Baker has an elementary school with an enrollment of 27, that school is administered by the White Pine County School District out of Ely. In addition, high school students in Baker attend White Pine High School in Ely.

4. A review of the proposed transmitter site puts the antenna just outside the south west portion of the Great Basin National Park in National Forest land. The petitioner has stated that there is currently no power at the site, which suggests that the Forest Service has not approved communications towers at the site nor has the petitioner provided a statement of consent from the Forest Service endorsing the use of the site.

5. A review of the site on topographic maps and aeronautical charts⁴ suggest the possibility of an obstruction between the transmitter site and the community of Baker. It appears that the reference site is on the western slope of a mountain range with peaks within the Great Basin National Park. REC recommends that Commission Staff review this proposal for obstructions prior to taking action.

6. REC would like to note that the proposed transmitter site will also put an unobstructed city grade signal into Ely⁵

7. A review of radio services in the area do show that Baker is in a "white area" receiving no city-grade aural services and no service from FM translators. There is no impact on the LPFM service.

4 - See Attachment B.

5 - See Attachment C.

8. Based on our research, REC feels that the community of Baker on it's own is dependent on the community of Ely and the petitioner has not provided any additional substantial data to apply Commission precedence in cases such as *Mountain Pass and Yermo, California* where a transient audience would be served by the station. REC is also concerned that the petition is defective since there is a possibility that the station's city grade contour is obstructed to Baker by terrain (see *Searchlight, Nevada*, Counterproposal of MM Docket 01-69). REC would have been more likely to stretch our support for this allotment if it specified facilities closer to Baker. REC feels this is an attempt to add another station to Ely. Therefore, REC urges the Commission to **DENY** Sierra Grande Broadcasting's petition to allot Channel 296C to Baker, Nevada as proposed.

Respectfully Submitted,



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REC Networks
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CERTIFICATE OF SERVICE

I hereby certify that a copy of these comments have been served by US Mail upon the petitioner.

Sierra Grande Broadcasting
c/o Mr Willson H. Gormly
P O Box 51
Des Moines, NM 88418-0051

ATTACHMENT A
REC NETWORKS ALLOTMENT EVALUATION
FOR BAKER, NEVADA

City of License		Channel	Proposed by		Location of proposer
BAKER, NV		296C	SIERRA GRANDE BROADCASTING		NEW MEXICO
Coord. Of Community	Coord. Of Transmitter	Census Status	Population		FM Service
39-00-36 114-07-25	38-51-12 114-18-06	COUNTY SUBDIV.	337		FIRST
Is this a counterproposal?		NO			

PROXIMITY TO URBAN AREAS

Urbanized areas within 70 dBU contour	None
Urbanized areas within 60 dBU contour	None
Could a lower class facility be placed at this location and not encroach the urban area?	N/A

OTHER FM SERVICES

[illegible]

within 50km...

NCE Stations/Applications	0
Translator Stations/Applications	0
Foreign Stations	0
LPFM Stations/Applications	0
AM Stations	0
Full Power TV Stations	0
LPTV/Translators	18

LP-100 CHANNEL AVAILABILITY

	Full Spd	Minimum
Before Allotment	68	76
After Allotment	61	69

LP-10 CHANNEL AVAILABILITY

	Full Spd	Minimum
Before Allotment	68	77
After Allotment	61	70

COMMUNITY INFORMATION

COMMUNITY INFORMATION		www.whitepinecounty.net	
County	WHITE PINE		
Police Protection	SHERIFF, one "part time"		deputy Jim Lund.
Fire Protection	BAKER VFD		
Chamber of Commerce	BAKER C OF C		aka Great Basin C of C
Telephone Exchange	NEVADA BELL, 775-234		Baker exchange
Dir Listings w/cnty name	3		
Directory Source	SMARTPAGES.COM		
Points of Interest	GREAT BASIN NATIONAL PK		Baker is east of the Park.
Elementary School	ELEM SCH IN BAKER		Enrollment of 27
High School	NO HS IN BAKER		They go to White Pine HS (Ely)
College/University	NONE		
Community Organizations	GREAT BASIN NAT HIST ASC		(Located in Natl. Park)

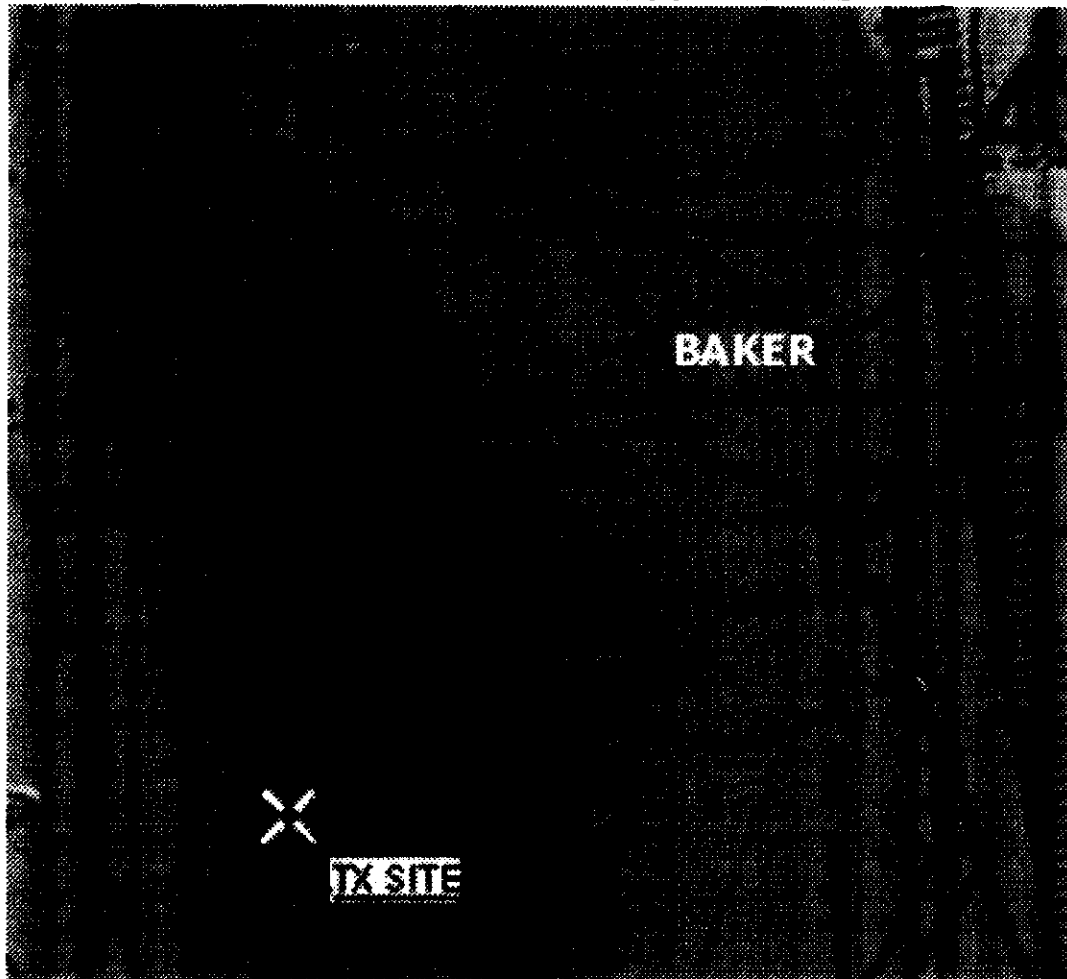
ADDITIONAL INFORMATION

Ely, NV is also in city-grade contour of transmitter location. REC is concerned about TX location. Peak of proposed TX site appears to be near boundary of Great Basin Natl Park. Maps suggest TX is on the western slope of mountain range where Baker is on east. TV translators licensed to Ely and Garrison, none to Baker. Fully spaced allotments (as high as C) are available at the cmty. coordinates for Baker. Petitioner also filed for Austin (02-159), Battle Mtn. (02-161), Eureka (02-162) and Fallon (02-163).

REC'S RECOMMENDATION

Staff should review TX site for obstruction to Baker. Unable to verify enough cmtly nexus, more dependent on Ely. TX loc suggests to serve Ely. Recommend denial

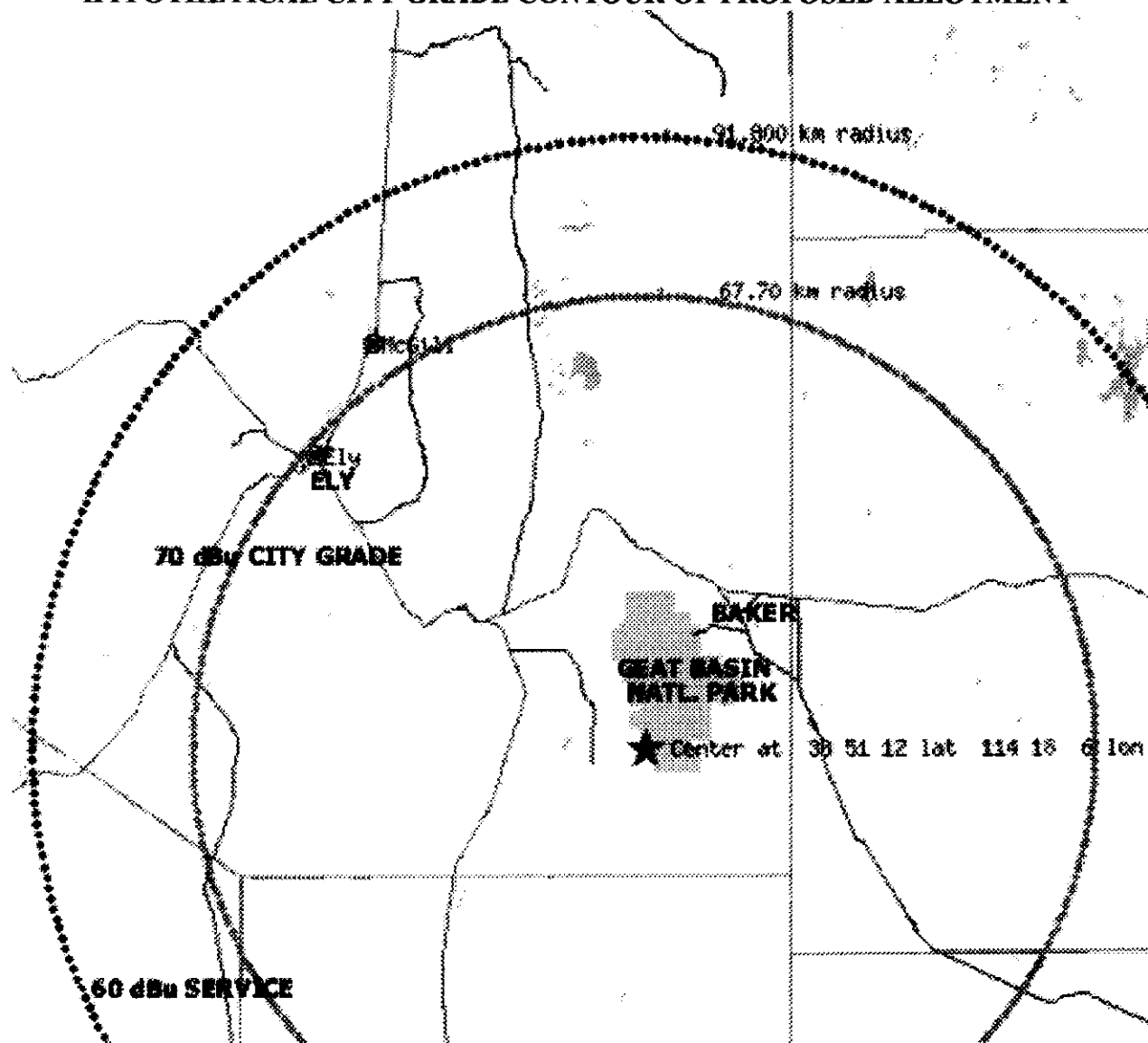
ATTACHMENT B
**AERONAUTICAL CHART SHOWING THE
PROPOSED REFERENCE COORDINATES**



For a full color version of this map, visit <http://www.recnet.com/allotments/02-160.jpg>

The color version of the map shows a darker colored brown in the path between the transmitter site and Baker. This suggests the possibility of an obstruction that could prevent the proposed allotment from providing city grade service to Baker.

ATTACHMENT C
HYPOTHETICAL CITY GRADE CONTOUR OF PROPOSED ALLOTMENT



For a full color version of this map, visit <http://www.recnet.com/allotments/02-160a.jpg>